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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,796	02/09/2006	Simone Paul Spinks	23211006	2416

23565 7590 01/12/2007  
KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601

EXAMINER
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SANTOS, ROBERT G

ART UNIT	PAPER NUMBER
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3673

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/567,796

Applicant(s)

SPINKS ET AL.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 9-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,222,137 to Usami in view of U.S. Pat. No. 3,160,894 to Frey. Usami '137 is considered to show all of the limitations as recited in claims 1-5, 7, 9-11 and 13-15 (note especially Figures 1-3; column 2, lines 60-68; column 3; and column 4, lines 1-12) except for the use of springs (22) that are pocketted. Frey '894 provides the basic teaching of a spring construction (10) comprising pocketted springs (48) arranged in rows (44). The skilled artisan would have found it obvious at the time the invention was made to provide the bed of Usami '137 with pocketted springs in order to define further individually compressible rows of springs, thereby helping to provide enhanced user comfort.

3. Claims 1-5, 8-11, 13, 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,252,170 to Frye in view of U.S. Pat. No. 3,160,894 to Frey. Frye '170 is considered to show all of the limitations as recited in claims 1-5, 8-11, 13, 14 and 16-19 (note especially Figures 2-7; column 2, lines 50-71; and column 3, lines 1-69) except for the use of springs (22) that are pocketted. Frey '894 provides the basic teaching of a spring

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construction (10) comprising pocketed springs (48) arranged in rows (44). The skilled artisan would have found it obvious at the time the invention was made to provide the bed of Frye '170 with pocketed springs in order to define further individually compressible rows of springs, thereby helping to provide enhanced user comfort.

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usami '137 in view of Frey '894, and further in view of U.S. Pat. No. 4,578,834 to Stumpf. Usami '137, as modified by Frey '894, does not specifically disclose a condition wherein adjacent rows of springs or groups of rows of springs are adhesively secured together. Stumpf '834 provides the basic teaching of an innerspring construction (10) comprising pocketed springs (14) that may be adhesively secured (via elements 22 or 28) together. The skilled artisan would have found it obvious at the time the invention was made to provide the bed of Usami '137 with adjacent rows of springs or groups of rows of springs that are adhesively secured together in order to adjust further the firmness of the bed as desired (see Stumpf '834, column 3, lines 28-38). With further regards to claims 6 and 12, Usami '137 further teaches the use of means in the form of connecting strings (26) located between the rows or groups of rows of springs (22).

### *Conclusion*


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spinks et al. '994, Kamp '249, Bloom '895, Rogovy '842, Gottschalk '072, Reese '585, Backus '288, Sternberg et al. '829 and Van Dresser et al. '550.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
January 6, 2007